
OLR Bill Analysis

HB 6394

AN ACT CONCERNING THE INDEMNIFICATION OF UNIVERSITY POLICE.

SUMMARY:

This bill modifies the indemnification protections for public university police officers by providing them the protections possessed by the state police, rather than those possessed by the general state employee population. The protections are similar, but there are certain differences concerning the conditions under which the employee (1) is saved harmless and indemnified and (2) has legal expenses reimbursed by the state.

EFFECTIVE DATE: July 1, 2013

INDEMNIFICATION

Under current law, public university police officers are covered by the general indemnification protections for state employees and officers (employees). The bill instead affords them the protections possessed by the state police.

Under the bill, the state must protect and save harmless public university police officers from financial loss and expense, including reasonable legal fees and costs, arising from any claim, demand, suit, or judgment for alleged deprivation of a person's civil rights. The deprivation must not have been wanton, reckless, or malicious, and the officer must have been acting (1) in the discharge of his or her duties, (2) within the scope of his or her employment, or (3) under the direction of a superior officer. The state must pay reasonable legal fees and costs in cases where the officer (1) is found not to have acted wantonly, recklessly, or maliciously or (2) is not assessed punitive damages.

Protection Differences

The bill's protections replace the state's general indemnification protections for public university police officers. The protections are similar, but by law, general protections do not cover actions under the direction of a superior officer that are outside the scope of employment or discharge of duties. These actions are covered by the bill. However, the general protections extend to alleged negligence or other acts or omissions causing damage or injury, which are not covered by the bill.

Further, under the general protections, an employee cannot be reimbursed for private counsel unless the attorney general (AG) has first declined to provide representation. The state provides reimbursement only after the final disposition of the suit, claim, or demand in which the employee is found (1) to have acted in the discharge of his duties or within the scope of his employment and (2) not to have acted wantonly, recklessly, or maliciously. Reimbursement is provided only in amounts determined to be reasonable by the AG, who may consider whether it was appropriate for a group of officers, employees, or members to be represented by the same counsel.

The bill removes these requirements for public university police officers. Instead, it requires the state to pay reasonable legal fees and costs in cases where the officer (1) is found not to have acted wantonly, recklessly, or maliciously or (2) is not assessed punitive damages. There are no requirements that the AG (1) first decline to represent the officer or (2) determine what constitutes a reasonable reimbursement amount. There is also no specific prohibition on reimbursing an officer before the final disposition.

BACKGROUND

University Police Forces

The law establishes special police forces for UConn, the UConn Health Center, and the four universities (Central, Eastern, Southern, and Western) of the Connecticut State University System. Officers in these departments generally have the same powers as municipal police officers (CGS § 10a-142).

COMMITTEE ACTION

Higher Education and Employment Advancement Committee

Joint Favorable Change of Reference

Yea 20 Nay 0 (03/26/2013)

Judiciary Committee

Joint Favorable

Yea 41 Nay 0 (04/19/2013)